

Interim Supplemental Design, Use, and Operation Standards for Large-Scale Retail Establishments (DRAFT 5/3/06)

1. Introduction

A growing trend across the country is the development of large retail, "big-box", or superstores that carry general or specific retail products, groceries, sporting goods, building supplies, etc. These stores rely on high sales volumes for their profits and locate either individually or in "power centers" which combine various "big-box" stores as one development. For many communities, these warehouse like structures offer low prices and great convenience for residents and sales tax revenue for the local government, however if not properly considered and planned for, can come at a price in the short and long-term. Liberty Lake is growing rapidly and it is expected that more large-scale retail establishments will be looking at our community or existing establishments may expand, relocate, or close, all of which need to be planned for to prevent negative economic and aesthetic impacts upon the community and existing businesses.

2. Background and Justification

With the rapid influx of large-scale retail developments, communities need to outline standards and policies to ensure prosperity of these establishments and the investment of existing businesses. Large-scale retail establishments, due to their bulk, size, and scale, can create or add to traffic congestion within a community, possibly create other types of local nuisances, such as noise, for surrounding businesses and residences, reduce the number of small-scale, locally owned businesses which can affect the economy of an area, and the high-visibility requested by large-scale retail establishments can detract from a community's unique character and attractiveness or sense of place. Additionally, vacated large-scale retail establishments can create the look of neighborhood blight and decrease the economic prosperity of a community. The City Development Code addresses and solves many of the issues; however this Ordinance will serve in supplementing the City Development Code with specific standards for large-scale retail establishments and development.

Large-scale retail establishments or big-box retail facilities are large, industrial-style buildings or stores with footprints that generally range from twenty thousand (20,000) square feet to two hundred thousand (200,000) square feet. While most big-boxes operate as a single-story structure, they typically have a three-story mass that stands more than thirty (30) feet tall. The definition or perhaps the description of a big-box store can be better understood through its product category. For example, book retailers like Barnes & Noble generally range from twenty-five thousand (25,000) square feet to fifty thousand (50,000) square feet, whereas in the general merchandise category, big-boxes like Wal-Mart range from eighty thousand

(80,000) square feet to one hundred thirty thousand (130,000) square feet. These typically no-frill stores seek to attract customers with the low prices and/or large selection possible with large floor space and high volume sales. The four basic types of large-scale retail establishments are as follows:

- Discount department stores, ranging from eighty thousand (80,000) square feet to one hundred thirty thousand (130,000) square feet, offer a wide variety of merchandise including automotive parts and services, housewares, home furnishings, apparel and beauty aids. This group includes retailers such as Target, Wal-Mart and Kmart.
- Category "killers", ranging from twenty thousand (20,000) square feet to one hundred twenty thousand (120,000) square feet, offer a large selection of merchandise and low prices in a particular type of product category. This group includes retailers such as Circuit City, Office Depot, Sports Authority, Lowe's, Home Depot and Toys "R" Us.
- Outlet stores, ranging from twenty thousand (20,000) square feet to eighty thousand (80,000) square feet, are typically the discount arms of major department stores such as Nordstrom Rack and J.C. Penny Outlet. In addition, manufacturers such as Nike, Bass Shoes and Burlington Coat Factory have retail outlet stores.
- Warehouse clubs, ranging from one hundred four thousand (104,000) square feet to one hundred seventy thousand (170,000) square feet, offer a variety of goods, in bulk, at wholesale prices. However, warehouse clubs provide a limited number of product items (5,000 or less). This group includes retailers such as Costco Wholesale, Pace, Sam's Club and BJ's Wholesale Club.

3. Applicability

This Ordinance shall apply to all Large-Scale Retail Establishments, as defined in Section 4-e below that make application for any of the following:

- a. New construction;
- b. An addition that would increase the building(s) square footage to equal or greater than the square footages above; or
- c. A remodel of a building(s) with square footage that is equal or greater than the square footages ~~above—defined for Large-Scale Retail Establishments within these standards~~ and which the remodel exceeds fifty percent (50%) of the assessed value of the existing structure. The value of the remodel shall be based on the current Building Valuation Data Table adopted by the City of Liberty Lake after the effective date of this Ordinance.
- d. Exceptions - Waivers to these standards may be granted through a Class A Variance process under the following circumstances and in accordance with the chart below:

- Strict application of the standard would result in peculiar or exceptional practical difficulties or exceptional and undue hardship upon the owner of the property; or
- A proposed alternative building or site design satisfies the intent of the ordinance as well or better than would strict compliance with the standard; or
- The new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and
- Granting of the waiver would not impose significantly more negative impacts on nearby properties.

Requirements	New Construction	Addition	Interior Remodel	Exterior Remodel
Compliance with the City Development and Building Codes	Required	Required	Required	Required
Application Requirements	Required	Required	Required	Required
Site Design & Features	Required	x	Exempt	x
Outdoor Display / Sales Area & Accessory Uses	Required	x	N/A	x
Building Design	Required	Required	N/A	x
Materials & Colors	Required	Required	N/A	Required
Adaptability for Reuse / Compartmentalization / Redevelopment	Optional	Optional	N/A	Optional
Signage	Optional	Optional	Optional	Optional
x = Portions of the standards may be waived in accordance with Section 3-d.				

The City Development Code also addresses various retail uses and design; however this Ordinance will supplement our existing standards. Whichever City Code or Ordinance is more restrictive for a specific use, design, or development shall apply. All other portions of the Development Code, if not addressed in this Ordinance, shall apply.

4. Definitions

City Development Code Article 10-1C, contains many definitions applicable to this Ordinance. The following are supplemental definitions.

- a. Breezeway – a structure for the principal purpose of connecting a main building or structure on a property with other buildings.
- b. Design Standards – statements and graphics intended to direct the planning and development of the built environment in a particular

manner or style so that the end result contributes positively to the overall development.

- c. Facade – the portion of the front exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.
- d. Hip Roof – roof without gables.
- e. Large-scale retail establishment – a retail establishment (also including grocery stores, auto supply stores, building supply stores, etc.), or any combination of retail establishments in a single building with 1. a building footprint of fifty thousand (50,000) square feet or more (including outdoor display and sales areas), 2. a gross square footage of eighty thousand (80,000) square feet or more (including outdoor display and sales areas), or 3. multiple retail establishments in separate but abutting buildings, reviewed as one site plan, with a combined building footprint of one hundred thousand (100,000) square feet or more (including outdoor display and sales areas) (also known as "Big-Box" Retail or Superstores).
- f. Parapet – the portion of a wall that extends above the roofline.
- g. Pedestrian Oriented Development – development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and buildings/structures rather than on auto access. The buildings/structures are generally located close to the public or private right-of-way and the main entrance(s) is oriented to the street sidewalk. There are generally windows or display cases along building facades. Although parking is provided, it is generally limited in size and location.
- h. Pedestrian Walkway – a surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot / driving aisle.
- i. Portico – a porch or walkway with a roof supported by columns, often leading to the entrance to a building.
- j. Screen – The sole purpose of a screen is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views.
- k. Streetscape – all elements of a development or area that are in view from other points along a street.

5. Application Requirements

Developer's applying for a building permit to construct, expand, or remodel a large-scale retail establishment shall be required to follow the project review processes outlined in the City Development Code Article 10-4B, Types of Applications and Review Procedures. In addition to the standard required submittals for a project, the following will be required by the City of Liberty Lake for large-scale retail establishment applications.

- a. Development Agreement - Prior to building permit issuance for a large-scale retail establishment or at the time of a property ownership change, the City will require property owners (including assigns, heirs, and successors in interest) to sign an agreement, that the City will record with the Spokane County Auditor, to cover the following:
 - The property owner agrees not to impose any post-closure limits on the type of reuse of previously occupied buildings (e.g. not permitting another large-scale retail establishment from occupying the vacated building);
 - The property owner agrees to provide a notice of closure to the Director of Planning and Community Development as soon as a closure is anticipated or at least three (3) months prior to an anticipated store closure; and
 - The property owner agrees to meet with the Director of Planning & Community Development at least three (3) months prior to an anticipated store closure to discuss their exit strategy and facilitate opportunities for building / property reuse and redevelopment. At this meeting, the property owner will provide a maintenance plan for normal repairs and upkeep of property, in compliance with Article 10-3I (Property Maintenance Standards) of the City Development Code and elimination of legible impressions, images, or remnants of signs remaining on a building or sign surface after the use for which the sign was permitted ceases to operate.

6. Site Design & Features

a. Building Orientation & Location

Building orientation shall comply with the City Development Code Chapter 2, Building Orientation for each specific zone and other applicable portions of the City Development Code. The following are supplemental requirements for large-scale retail establishments.

- Large-scale retail establishments shall not be located on corner lots, unless smaller buildings (less than 50,000 gross square feet) are located between the large-scale retail establishment and the street; and
- Outparcels with non large-scale retail establishments must be located between large-scale retail establishments and an arterial or collector street.

b. Access & Traffic

Approaches will be reviewed by the City for conformance with City Development Code Article 10-3B - Access and Circulation and the Director of Planning & Community Development has the authority to decide the final location and design of approaches in consultation with

the City Engineer. The following are supplemental requirements for large-scale retail establishments.

- Large-scale retail establishments must have at least two approaches with the main approach located on an arterial or collector street;
- Vehicle access must be designed to accommodate peak traffic volumes;
- Site layout must provide access connections to adjacent parcels / uses; and
- Off-street parking, drives, and other vehicular areas cannot be placed between buildings and streets, if prohibited by the Development Code for the zone.

c. Landscaping & Screening Requirements

Refer to the City Development Code Article 10-3C, Landscaping, Street Trees, Fences, and Walls for requirements.

d. Parking Requirements

Refer to the City Development Code Article 10-3D, Vehicle and Bicycle Parking for requirements.

e. Pedestrian & Bicycle Circulation / Facilities

The City Development Code Chapters 2 and 3 provide basic requirements for pedestrian access, bike racks, etc. The following are supplemental requirements for large-scale retail establishments.

- Ten (10) foot wide sidewalks will be required across the front of all buildings or wherever public access areas are located around the building;
- Distinct pedestrian crossing markers or changes in surfacing must be used; and
- Publicly accessible focal points with features such as a patio / seating area are required.

f. Shopping Cart Storage and Return Stations

When a business utilizes shopping carts, adequate close-by shopping cart return stations to temporarily house returned shopping carts shall be provided throughout the parking lots. All shopping carts shall be effectively contained or controlled within the boundaries of store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways, and where the business's shopping carts are permitted. Exterior shopping cart storage areas are not permitted and carts must be permanently stored inside the building. The following standards apply to exterior shopping cart return stations.

- Shopping cart return stations shall be identified on the site plan and the locations shall be approved by the City;
- Shopping cart return stations shall incorporate landscaping, architectural features, or similar design elements to draw attention to and lessen the impact of stand-alone features within parking areas;
- Storage or temporary storage of shopping carts shall not be allowed on walkways outside of buildings at anytime; and
- The applicant shall submit a working plan for the collection of shopping carts from the parking lot.

g. Outdoor Storage Uses and Service / Loading Areas

- Outdoor storage of items such as products, racks, and pallets, and the use of cargo containers for storage is prohibited;
- Areas for truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way, not located within 20 feet of any public or street, public sidewalk, or internal pedestrian way and location(s) are restricted to the location(s) shown on the site plan approved by the City;
- Loading docks, truck parking, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape; and
- When the site is abutting a Residential Zone / Use, deliveries and collections shall not occur between 10:00 p.m. and 6:00 a.m., unless mitigating measures can be proposed to prevent noise or light nuisances.

h. Exterior Lighting

Refer to the City Development Code Section 10-3F-2, Lighting for requirements

7. Outdoor Display / Sales Areas & Accessory Uses

- a. All outdoor display / sales areas and accessory uses shall be permitted only where clearly depicted on the site plan approved by the City;
- b. Outdoor displays of merchandise, equipment, vending machines, etc. located on building aprons or along the storefront are only permitted if shown on the approved site plan and permitted by the Director of Planning & Community Development or permitted through a

Temporary Use Permit (see temporary sales / displays below). Display areas on building aprons or along the storefront must maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives;

- c. All outdoor display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet;
- d. Any permanent display / sales areas not located on building aprons, shall be permanently defined and screened with walls, fences, or evergreen hedges, a minimum of five (5) feet in height;
- e. Outdoor display / sales areas and accessory uses such as food vendors shall be incorporated into the overall design of the building and the landscaping; and
- f. Temporary sales / displays, such as Christmas trees, landscape materials, etc.
 - Temporary sales / displays shall be reviewed and approved by the Director of Planning & Community Development through the Temporary Use Permit process in accordance with Section 10-4I-1 of the City Development Code.

8. Building Design

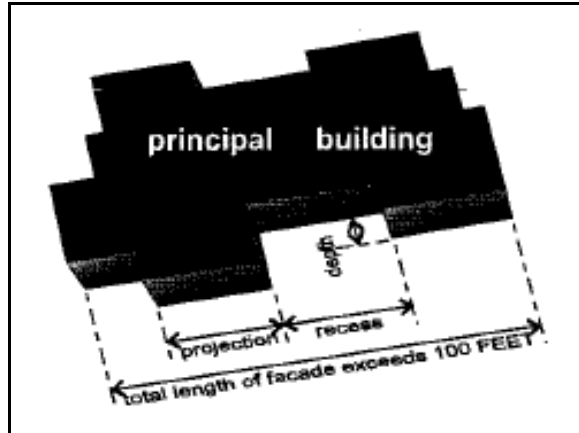
The City Development Code already requires buildings to have detailed design and large scale building and developments must provide human-scale design. Buildings must incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features.

Additionally, every building elevation adjacent to a street or Interstate 90 with a horizontal dimension of more than one hundred (100) feet, as measured from end-wall to end-wall, must have a building entrance and pathways must connect all entrances to the street right-of-way, in conformance with City Development Code Article 10-3B - Access and Circulation.

Building design shall comply with the City Development Code Chapter 2, Architectural Guidelines and Special Standards for each specific zone and other applicable portions of the City Development Code. The following are supplemental requirements for large-scale retail establishments.

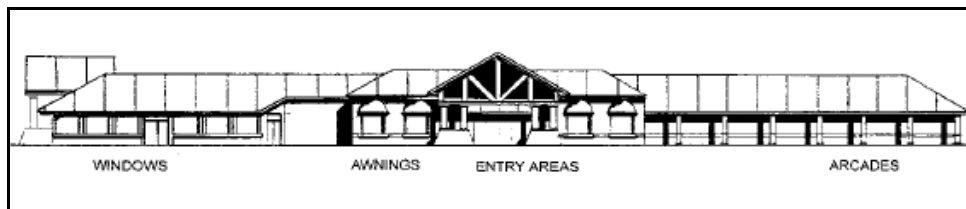
a. Building Elevations

- Uninterrupted lengths of any elevation shall not exceed one hundred (100) horizontal feet.



(Drawing Source - Fort Collins, Colorado)

- Ground floor elevations that face a street (public or private) or that face Interstate 90 shall have arcades, display windows, entry ways, awnings, or other such features along no less than 60% of the horizontal length.

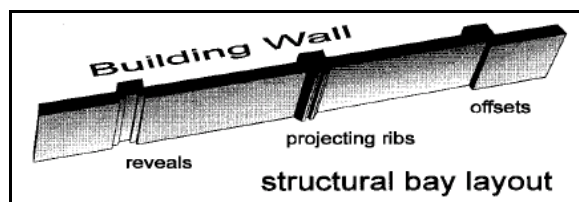


(Drawing Source - Fort Collins, Colorado)

b. Building Facade

The front facade of the building must include a repeating pattern with at least three (3) of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

- Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib;
- Color change;
- Texture change; and / or
- Material module change.



(Drawing Source - Fort Collins, Colorado)

c. Entrances

Each building shall have clearly defined; highly visible customer entrances and each additional store located within a principal building shall have at least one separate exterior customer entrance. Entryways shall feature no less than three of the following design features:

- canopies or porticos;
- overhangs;
- recesses/ projections;
- arcades;
- raised corniced parapets over the door;
- peaked roof forms;
- arches;
- outdoor patios;
- display windows;
- architectural details such as tile work and moldings which are integrated into the building structure and design; and / or
- integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

d. Smaller Retail Stores

In addition to the entrance requirements above, when additional store(s), with less than fifty thousand (50,000) square feet, are located within a principal building, the facade of each additional store shall contain the following, as applicable:

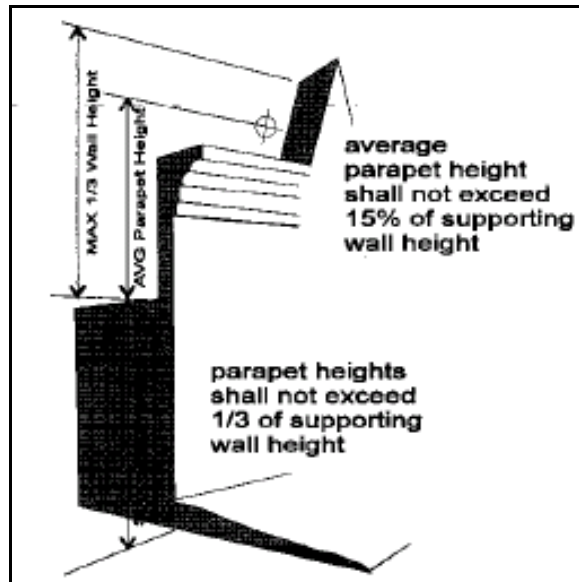
- Display windows between the height of three (3) feet and eight (8) feet above the walkway / sidewalk grade for no less than sixty percent (60%) of the horizontal length of each additional store facade; and
- Windows shall contain displays or be recessed and should include visually prominent sills, shutters, or other such forms of framing.

e. Roofs

Each building shall have at least two (2) of the following roof features:

- Parapets concealing flat roofs and roof top equipment such as HVAC units from public view. The height of such parapets shall not exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments;
- Overhanging eaves, extending no less than three (3) feet past the supporting walls;

- Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and / or
- Three (3) or more roof slope planes.



(Drawing Source - Fort Collins, Colorado)

9. Materials & Colors

As outlined in the City Development Code, all proposed building materials should be durable and of good quality and appropriate to the surroundings. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore they should be aesthetically pleasing and compatible with materials and colors of adjoining buildings and other buildings within the City. Building material choices and colors shall comply with the City Development Code Chapter 2, Architectural Guidelines and Special Standards for each specific zone and other applicable portions of the City Development Code. The following are supplemental requirements for large-scale retail establishments.

- a. Building elevation / siding and roof colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited;
- b. Building trim and accent areas can feature brighter colors, including primary colors, if approved through the design review process. Neon tubing shall not be an acceptable feature for building trim or accent areas; and

- c. Corporate / trademark colors shall not be used on the building elevation / siding, roof, trim, or accent areas unless they comply with these color standards. Corporate / trademark colors can be used on signage.

10. Adaptability for Reuse / Compartmentalization / Redevelopment

It is recommended that the building design include specific elements for adaptation for multi-tenant re-use. The design standards above will aid in adaptive reuse of a building, additionally, the building design should also allow for the following:

- a. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;
- b. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections; and
- c. Landscaping schemes that complement the multiple entrance design;

11. Signage

The Signage Standards in the City Development Code outlines the requirements for wall and monument / freestanding signage. In non-residential zones, wall signs for businesses are permitted on each wall of a building and for each business located entirely on the property provided the aggregate area for wall signage on any one (1) property or any one (1) building does not exceed a maximum ratio of: 1 square foot of signage per 10 square feet of building façade (sign area: building facade) up to a maximum area of 150 square feet. Properties whose principal exposure is from Interstate 90 are allowed up to 300 aggregate square feet of signage; however walls not facing Interstate 90 cannot exceed 150 square feet. Building and site signage shall comply with the City Development Code Article 10-3E, Signage Standards and other applicable portions of the City Development Code. The following are supplemental requirements for large-scale retail establishments.

- a. On properties whose principal exposure is from Interstate 90 and the property does not have frontage along another public right-of-way, the allowed 300 aggregate square feet of signage can be used on any wall of the building if the following conditions are met:
 - A freestanding sign is not provided for the building or development along I-90;
 - Only 1 monument sign is provided along the access street for the building or development; and
 - The building / development signage selection is reviewed and approved by the Director of Planning & Community Development.

- b. The provision for additional freestanding or monument signs for multiple businesses based on frontage is not permitted.

12.Expiration of Adopting Ordinance

These standards shall be valid for one year from the date of ordinance adoption and shall expire at the end of the one year period. Within this one year period, a Development Code Text Amendment shall be processed to include these standards within the City Development Code.